

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL DELEON, ET AL.,

Defendants.

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NO. 15-CR-4268-JB

**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME TO FILE
RENEWED MOTIONS FOR DIRECTED VERDICT AND MOTIONS FOR
NEW TRIAL**

Defendants Joe Gallegos, Edward Troup, Billy Garcia, Arturo Arnulfo Garcia, Daniel Sanchez, Anthony Ray Baca, Carlos Herrera, and Andrew Gallegos, by and through undersigned counsel, respectfully move the Court to extend the deadlines for filing any renewed motions for directed verdict, pursuant to FED. R. CRIM. P. 29, and motions for new trial, pursuant to FED. R. CRIM. P. 33, until August 23, 2018. As grounds therefore, Mr. J. Gallegos, Mr. Troup, Mr. B. Garcia, Mr. A. Garcia, Mr. Sanchez, Mr. Baca, Mr. Herrera, and Mr. A. Gallegos state as follows:

1. Mr. J. Gallegos, Mr. Troup, Mr. B. Garcia, Mr. A. Garcia, Mr. Sanchez, Mr. Baca, Mr. Herrera, and Mr. A. Gallegos were charged by Superseding Indictment with violent crimes in aid of racketeering, contrary to 18 U.S.C. § 1959. [Doc. 949]

2. Trial for Mr. Sanchez, Mr. Baca, and Mr. Herrera began on January 29, 2018.¹ On February 23 and 26, 2018, at the close of the government's case-in-chief, all three defendants made oral motions for directed verdicts pursuant to Fed. R. Crim. P. 29. The Court denied Mr. Sanchez's and Mr. Herrera's motions, and denied in part, and granted in part Mr. Baca's motion. [Dkt. 1870.] Ultimately, the jury was asked to reach verdicts on two counts each as to Mr. Sanchez and Mr. Herrera, and four counts as to Mr. Baca. The jury announced its verdicts finding Mr. Sanchez, Mr. Baca, and Mr. Herrera guilty of the crimes charged against them on March 12, 2018.

3. Trial for Mr. J. Gallegos, Mr. Troup, Mr. B. Garcia, Mr. A. Garcia, and Mr. A. Gallegos began on April 9, 2018.² On May 22, 2018, at the close of the government's case-in-chief, all Defendants made oral motions for directed verdicts pursuant to FED. R. CRIM. P. 29. The Court denied all of the Defendants' motions. Ultimately, the jury was asked to reach verdicts on one count as to Mr. A. Garcia, two counts each as to Mr. Troup, Mr. B. Garcia and Mr. A. Gallegos, and seven counts as to Mr. J. Gallegos. On May 25, 2018, the jury announced its verdicts finding Mr. J. Gallegos guilty of Counts 1, 4 and 5, Mr. Troup guilty of Counts 1 and 3, Mr. B. Garcia guilty of Counts 1 and 2, Mr. A. Garcia guilty of Count 3, and Mr. A. Gallegos guilty of Counts 4 and 5.

¹ A fourth defendant, Rudy Perez, also proceeded to trial on January 29, 2018. The jury ultimately found Mr. Perez not guilty of the crimes charged against him and thus he is not a party to this motion.

² Defendants Christopher Chavez and Allen Patterson also proceeded to trial on April 9, 2018. The jury found Mr. Chavez and Mr. Patterson not guilty of the crimes charged against them and thus they are not parties to this motion.

4. Pursuant to Fed. R. Crim. P. 29, “a defendant may move for a judgment of acquittal, or renew such a motion, within 14 days after a guilty verdict or after the court discharges the jury, whichever is later.” Furthermore, under FED. R. CRIM. P. 33, a defendant may file a motion for new trial “grounded on any reason other than newly discovered evidence ... within 14 days after the verdict or finding of guilty.” Under FED. R. CRIM. P. 45(b), however, this Court has authority to extend the deadline for filing these motions “for good cause.”

5. On March 16, 2018, this Court extended the deadline for Mr. Sanchez, Mr. Baca, and Mr. Herrera to file their renewed motions for directed verdict and any motions for new trial by June 15, 2018. [Dkt. 1945.] On June 11, 2018, this Court extended the deadline for Mr. J. Gallegos, Mr. Troup, Mr. B. Garcia, Mr. A. Garcia and Mr. A. Gallegos to file their renewed motions for directed verdict and any motions for new trial by August 23, 2018. [Dkt. 2236.]

6. On June 14, 2018, counsel for Mr. Sanchez and Mr. Baca discussed with the Court and counsel for the government the need for additional time to file these motions. This discussion was held during a hearing in the matter of *United States v. Baca*, 16cr1613. At the hearing, defense counsel explained that they need additional time to fairly and adequately draft and file their renewed motions for judgments of acquittal and their motions for new trial. Counsel requested that the Court extend the deadline to October 15, 2018, and the government indicated it did not oppose this request. The United States asked for additional time to respond to the motions, however, which counsel for Mr. Sanchez and Mr. Baca

indicated they did not oppose. Thus, the parties agreed that the motions would be due on or before October 15, 2018, the responses would be due on or before November 12, 2018, the replies would be due on or before December 3, 2018, and a hearing on the motions would be scheduled for the week of December 10, 2018, most likely on December 14, 2018. The Court indicated it would set aside a full day to hear argument on the motions.

7. As noted above, undersigned counsel conferred with counsel for the United States and counsel for all defendants regarding this motion, and the United States does not oppose it and all defendants join it.

CONCLUSION

WHEREFORE, Defendants Joe Gallegos, Edward Troup, Billy Garcia, Arturo Arnulfo Garcia, Daniel Sanchez, Anthony Ray Baca, and Andrew Gallegos respectfully move the Court to extend the deadlines for filing any renewed motions for directed verdict, pursuant to FED. R. CRIM. P. 29, and motions for new trial, pursuant to FED. R. CRIM. P. 33, until October 15, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2018 I caused the instant motion to be filed with the Clerk of the Court using the CM/ECF system that will serve all other parties entitled to service and notice.

s/Theresa M. Duncan
Theresa M. Duncan